

REMARKS

Reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1, 4-7 and 10-20 remain pending in this application. Claims 1, 7, 10-16, 18 and 20 have been amended hereby. Support the amendment to the claims can be found throughout the present application and, in particular, page 28, lines 1-4 of the specification. No new matter has been presented. For the reasons stated below, Applicant respectfully submits that the pending claims are in condition for allowance.

In the Office Action

- Claims 1, 5-7 and 11-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Aung et al. (U.S. 5,791,348); and
- Claims 4 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aung.

To the extent these grounds of rejection might again be asserted against the amended claims, they are respectfully traversed.

On pages 2 and 3 of the Office Action, it is noted that the claims did not expressly recite "utilizing pressure to increase muscular strength," and further that the claims did not identify "what the ideal quantification target is."

In response to these comments in the Office Action, Applicant has amended the claims to recite that the claimed "control device" is a "control device for a pressure muscle strength increasing apparatus." Further, the claims have also been amended to recite that "the ideal data represents an association between an elapsed time from the beginning of use of the pressure muscle strength increasing apparatus and the quantification target that is considered to be ideal at that time." These amendments further clarify aspects of the present invention and address the comments in the Office Action.

Thus, regarding the rejection under 35 USC § 102, Applicant submits that Aung does not disclose controlling the pressure setting means so as to make the quantification target be closer to the ideal quantification target by increasing or decreasing the setting. Simply put, Aung discloses a quantification target (such as blood pressure) measuring system, not a system that

controls the quantification target in the muscles of the user of the muscle strength increasing apparatus, as recited in the independent claims. This difference is significant because Aung's entire purpose is a more efficient way of measuring blood pressure, whereas the ultimate purpose of the present invention, as described in the patent application in the Abstract and at paragraphs [0021]-[0023], [0027], [0032], etc., is to increase muscle strength. For that reason, the independent claims, as amended, are not disclosed or suggested in Aung.

As is clear from the Aung specification, Aung discloses a sphygmomanometer that increases the pressure in a blood pressure cuff, detects a pulse wave, then increases the pressure until the pulse wave is not detected. When decreasing pressure, the Aung device determines maximal and diastolic blood pressures in a standard manner. In no case does the Aung blood pressure cuff attempt to control the pulse waves in order to reach a specific pulse wave target. More importantly, Aung does not disclose or suggest that "ideal data" that is stored "represents an association between an elapsed time from the beginning of use of the pressure muscle strength increasing apparatus and the quantification target that is considered to be ideal at that time," as recited by the amended independent claims.

Accordingly, because Aung fails to teach increasing and/or decreasing the pressure in order to reach a quantification target (such as Korotkoff sounds, Swan sounds, as recited by claims 17-20), and doing so in combination with the required type of "ideal data," Aung can not disclose or suggest the invention recited in claims.

Reconsideration and withdrawal of the §102 and §103 grounds of rejection are accordingly respectfully urged.

AMENDMENT IN RESPONSE TO OFFICE ACTION MAILED SEPTEMBER 9, 2010
APPLICATION NO. 10/561,166

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicant's undersigned representative at the number listed below

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